



## **Contents:**

### Statement of intent

1. Legal framework
2. Roles and responsibilities
3. Grounds for suspension or exclusion
4. The headteacher's power to suspend and exclude
5. Factors to consider when suspending or excluding a pupil
6. Preventative measures
7. Duty to inform parents
8. Duty to inform the local schools board and LA
9. Duty to inform social workers and the virtual school head (VSH)
10. Arranging education for suspended and excluded pupils
11. Considering suspensions and exclusions
12. Reaching a decision
13. Notification of considered suspensions and exclusions
14. Removing excluded pupils from the school register
15. Independent review panel
16. Appointing a SEND expert
17. The role of a SEND expert
18. Appointing a clerk
19. The role of the clerk
20. The duties of the independent review panel
21. Conducting local schools board meetings or independent review panels via remote access
22. Reconsidering reinstatement following a review
23. Criminal investigations
24. Training requirements
25. Using data
26. Monitoring and review

### **Appendix**

## **Statement of intent**

At CIT, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the school recognises that suspension and exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Suspending or excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or excluding pupils should only be used as a means of last resort.

The trust has created this policy to clearly define the legal responsibilities of the headteachers, Local Schools Boards and LA when responding to pupil suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a pupil's right to an education despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.

A **suspension** is defined as the temporary removal of a pupil from the school for behaviour management purposes. A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A suspension does not have to be for a continuous period.

An **exclusion** is defined as the permanent removal of a pupil from the school, in response to a serious breach or persistent breaches of the school's Behaviour Policy, and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupils or staff in the school.

## 1. Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Equality Act 2010
- The School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023
- The European Convention on Human Rights (ECHR)

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2023) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE (2022) 'Behaviour in Schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'
- Keeping Children Safe In Education (KCSIE) 2023

This policy operates in conjunction with the following trust/school policies:

- Behaviour Policy
- Anti-bullying Policy
- Pupil Code of Conduct
- Special Educational Needs and Disabilities (SEND) Policy
- Social, Emotional and Mental Health (SEMH) Policy
- Child Protection and Safeguarding Policy

## 2. Roles and responsibilities

The LA is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of LAC.
- Arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing pupils' needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.

The trust is responsible for:

- Arranging for an independent review panel hearing to review the decision of the Local

Arranging for the independent review panel hearing to be held via remote access where requested by parents or excluded pupils aged 18 and above

- Be represented.

Circulating copies of relevant papers at least five school days before the review to all parties.

Giving all parties details of those attending and their role, once the position is clear.

Attending the review and ensuring that minutes are produced in accordance with instructions from the panel within the timeframe of the policy.

The headteacher is responsible for:

Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential suspensions and exclusions.

Applying the civil standard of proof when establishing the facts in relation to a suspension or exclusion.

Complying with their statutory duties in relation to pupils with SEND when administering the suspension or exclusion process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy.

Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, experienced bullying or has a mental health issue.

Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.

Reviewing the effectiveness of suspensions and exclusions as sanctions, e.g. if a pupil has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.

Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, those eligible for FSM, LAC and those from certain ethnic groups.

Engaging effectively with parents in supporting the behaviour of pupils with additional needs.

Determining whether a pupil will be suspended or excluded on disciplinary grounds.

Adhering to their responsibilities when cancelling an exclusion before the governing board has met to consider whether the pupil should be reinstated. Withdrawing any suspensions or exclusions that have not been reviewed by the governing board, where appropriate.

Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate.

Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or exclude a pupil.

Ensuring they have considered their legal duty of care when sending a pupil home following a suspension or exclusion.

Making the decision to suspend or exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.

Notifying a pupil's parents without delay where the decision is taken to suspend or exclude the pupil, including the days on which the parents must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.







Take into consideration whether the pupil has received multiple suspensions or is approaching the legal limit of 45 suspended days per school year, and whether suspension is serving as an effective sanction.

Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.

The headteacher will consider what extra support may be available for vulnerable pupil groups whose suspension and exclusion rates are higher, to reduce their risk of suspension or exclusion, including the following:

LAC

Pupils eligible for FSM

Pupils with SEND

Certain ethnic groups

The headteacher will consider avoiding excluding LAC, those with SEMH issues or pupils with an EHC plan. Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the headteacher, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational, mental health or other needs and vulnerabilities.

Where a pupil requires additional support, an individual behaviour plan will be created using the graduated response outlined in the school's Behaviour Policy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then suspension or exclusion may be considered. In accordance with the Equality Act 2010, under no circumstances will a pupil with identified SEND or SEMH issues be suspended or excluded before the graduated response process has been completed.

Where a pupil with SEND or SEMH issues is excluded because of a SEND- or SEMH-related need that could not be met at the school, detailed records will be kept highlighting that these pupils are closely tracked and showing that the school has a close relationship with the pupil's next destination.

The headteacher or senior leader at school will work in conjunction with the parents of any pupil with additional needs to establish the most effective support mechanisms.

## **6. Preventative measures**

Before taking a final decision to exclude, the headteacher will consider whether it is in the best interests of all parties to initiate off-site directions or managed moves as preventative measures to exclusion.

### **Off-site direction**

The board of trustees may use their general powers to arrange for any registered pupil to attend at any place outside the school premises for the purpose of receiving educational

The local schools board and the headteacher will decide, in communication with the pupil and their parents, whether off-site direction is an appropriate solution to manage a pupil's behaviour and avoid suspension or exclusion. Where all parties agree to this course of action, the school will work with the pupil and their parents to discuss and agree a plan for the off-site direction, including a proposed maximum period of time that the pupil will be at the alternative provision and any alternative options that will be considered once the time limit has been reached, e.g. managed moves.

The local schools board will notify parents, and the LA if the pupil has an EHC plan, in writing with information about the placement no later than two school days before the relevant day.

The school will keep any off-site placements under review by holding review meetings at intervals deemed appropriate by the local schools board; the local schools board will ensure, where possible, that review meetings are convened at a time suitable for the pupil's parents, and will invite parents in writing to each review meeting no later than six days before that date. Where parents request, in writing, that the local schools board hold a review meeting, the local schools board will arrange review meetings in response, as soon as is reasonably practicable, unless there has been a review meeting in the previous 10 weeks.

The schools board will decide at each review meeting whether the arrangement will continue and for what period of time; the meeting will also decide arrangements for further reviews. Reviews will be recorded in writing, including any decisions made regarding the placement.

### **Managed moves**

Where it is thought to be in a pupil's best interest to transfer them to another mainstream school permanently, the headteacher and local schools board will discuss this with the parents of the pupil, and the LA if the pupil has an EHC plan – managed moves will only go ahead with the voluntary agreement of all parties involved, including the parents and the admission

The school will ensure that detailed records are kept of any decision to initiate a managed move, including evidence that appropriate initial intervention has been carried out. The school will participate in information sharing with the pupil's new school, including sending data on





Parents and, where requested, a friend or representative, the headteacher, and a member of the LA will be invited to attend any consideration of suspensions and exclusions and will be able to make representations.

Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits. Parents, and excluded pupils if they are over 18, will also be able to request that the meeting is held via remote access.

Where it is appropriate to the pupil's age and level of understanding, the pupil will also attend any consideration meeting, and will be enabled to make a representation on their own behalf if they desire to do so.

The local schools board will consider the reinstatement of a suspended or excluded pupil, where:

The exclusion is permanent.

The suspension is fixed-period, and would bring the pupil's total number of suspended school days to more than 15 in any given term.

The suspension or exclusion would result in the pupil missing a public examination.

In the case of a suspension where the pupil's total number of suspended days is more than 5 but less than 16 school days (this includes suspensions that exceed 15 school days by less than a whole day, e.g. one that totals 15.5 days) within a term, if parents make representations, the governing board will consider suspensions within 50 school days of receiving the notice of suspension. In the absence of any representations from parents, the local schools board will consider the reinstatement on their own.

Where a suspension will take a pupil's total number of school days out of school above five but less than 15 for the term, and parents have not requested a governing board meeting, the local schools

Ask for any written evidence prior to the meeting.

Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.

In the case of exclusion, where the local schools board decides not to reinstate the pupil, they will notify the parents:

That the exclusion is permanent.

Of their right for it to be reviewed by an independent review panel.

Of the date by which an application for review must be made.

Of the name and address of whom the review application should be submitted to.

That a request to hold the meeting via remote access can be made and how to do this.

That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND is considered relevant to the exclusion.

That, regardless of whether a pupil has been identified as having SEND, the parents have a right to require the governing board to ensure a SEND expert attends the review.

Of the role of the SEND expert that will attend the review, and that the parents will not be ch[Th]4(at)4(at)4(atwT&TQ EMC s54.51086]pa)3(W\*nBT/F1 11.04 Tf1 0 0 1 95.&TQ(s )-eW\*nB





The Trust will make arrangements to indemnify the SEND expert against any legal costs and

way with respect to the identification of any SEND that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.

to the interests of other pupils and people working at the school. The panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'.

Following the review, the panel will do one of the following:

- Uphold the decision

- Recommend that the governing board reconsiders reinstatement

- Quash the decision and direct that the governing board reconsiders reinstatement

The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the pupil, parents, governing board, headteacher and LA.

## **21. Conducting Local schools board meetings or independent review panels via remote access**

Parents, or excluded pupils if they are 18 or older, will be able to request that local schools board meetings or independent review panels are held via remote access; however, parents and pupils will be made aware that this is not the default option.

Where a parent or pupil makes a request correctly in line with instructions set out in the headteacher's or local school board's written notification, the Local school board or Trust will hold the meeting via the use of remote access.

Remote meetings and panels will be held in accordance with timelines for face-to-





## **26. Monitoring and review**

This policy will be reviewed annually by the Executive leadership team at the trust in conjunction with the Trust board. The next scheduled review date for this policy is October 2024.

All members of staff will be required to familiarise themselves with this policy as part of their induction programme.

**Flowchart for reviewing the h  
decision**

**suspension or exclusion**

